IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 9TH NOVEMBER 2006 / 18TH KARTHIKA 1928

Bail Appl..No. 6564 of 2006

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CMP.4754/2006 of DISTRICT COURT, KOLLAM
CRIME NO.5/2006 OF EXCISE RANGE, CHATHANNOOR

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: PETITIONER/2ND ACCUSED:

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NAINAN T. MATHEWS,
S/O.T.M. MATHEWS, THYKUTTATHIL VEEDU,
(ANOOP VILLA), VALLAMKULAM MURY,
ERAVIPEROOR VILLAGE, THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.C.S.MANU

RESPONDENTS: COMPLAINANT:

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STATE OF KERALA, REPRESENTED BY
THE EXCISE INSPECTOR, EXCISE RANGE OFFICE,
CHATHANNOOR.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**J.M.JAMES, J.**

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**B.A. 6564/2006**

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**DATED THIS THE 9TH DAY OF NOVEMBER, 2006**

**O R D E R**

The petitioner is the second accused in C.R.No.5/2006 of Excise Range, Chathannoor, for the offence punishable under Section 22(c) of the N.D.P.S Act. The petitioner remains in judicial custody. Hence this application, under Section 439 Cr.P.C.

2. The prosecution alleges that 49 ampules of Genomorphine, 6 ampules of Phenergan (Phenmetrazine), 15 ampules of Buprine (Buprenorphine), 2 ampules of Promethazine Hydrocloride injection, one ampule without any label and one syringe and other materials were seized from accused Nos. 1 and 2.

3. The learned counsel for the petitioner submits that the notification specifying small quantity and commercial quantity contained in the table attached, as per Section 2 of the N.D.P.S Act. The entire items seized,

taken together, would come to a small quantity. It is also submitted that the first accused, who actually carried these contraband, was released by the Sessions Court, during the first remand period itself. The counsel, therefore, prays that the petitioner may also be released.

4. After hearing both sides and considering the materials that are available before me, I grant bail and release the petitioner from jail, subject to the following conditions:-

> (a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Sessions Court, Kollam.
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> (b). The petitioner shall report before the Investigating Officer, once in a week on every Monday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 13.11.2006, and thereafter, on the first working day of

every month, between the same timings, till the filing of the final report by the Investigating Officer, before the Sessions Court.

The application is allowed as above.

**J.M.JAMES**
**JUDGE**

mrcs